

1                               A bill to be entitled  
2       An act relating to health facilities; amending s.  
3       154.205, F.S.; revising the definition of the term  
4       "health facility"; amending s. 154.209, F.S.;  
5       authorizing the authority to make mortgage or other  
6       secured or unsecured loans and refund or refinance  
7       outstanding bonds, obligations, loans, indebtedness,  
8       or advances issued, made, given, or incurred by or for  
9       the benefit of any health facility for the cost of a  
10      project in accordance with a specified agreement under  
11      certain circumstances; amending s. 154.213, F.S.;  
12      authorizing the authority to lease certain projects to  
13      a health facility under a loan agreement under certain  
14      circumstances; providing that specified projects  
15      financed by the authority shall be governed by one or  
16      more loan agreements under certain circumstances;  
17      providing requirements for such loan agreements;  
18      amending s. 154.225, F.S.; authorizing the authority  
19      to require certain health facilities to operate,  
20      repair, and maintain projects and bear certain costs  
21      under certain circumstances; amending s. 154.235,  
22      F.S.; authorizing the issuance of revenue bonds of  
23      other issuers if the proceeds were used for specified  
24      purposes; amending ss. 154.219, 154.221, 154.229, and  
25      154.247, F.S.; conforming provisions to changes made

by the act; reenacting ss. 159.27(16) and 215.681(1)(d), F.S., relating to definitions and ESG bonds and prohibitions, respectively, to incorporate the amendments made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

**Section 1. Subsection (8) of section 154.205, Florida Statutes, is amended to read:**

154.205 Definitions.—The following terms, whenever used in this part, shall have the following meanings unless a different meaning clearly appears from the context:

(8) "Health facility" means any private corporation or other entity or association organized not for profit, including, but not limited to, a limited liability company organized not for profit and controlled directly or indirectly by one or more entities organized not for profit, and authorized by law to provide:

- (a) Hospital services in accordance with chapter 395;
- (b) Nursing home care services in accordance with chapter 400;
- (c) Life care services in accordance with chapter 651;
- (d) Services for the developmentally disabled under chapter 393;

- 51 (e) Services for the mentally ill under chapter 394;  
52 (f) Assisted living services in accordance with chapter  
53 429; or  
54 (g) Hospice services in accordance with chapter 400.  
55

56 The term also includes any private corporation or other  
57 organized entity or association not for profit which offers  
58 independent living facilities and services as part of a  
59 retirement community that provides nursing home care services or  
60 assisted living services on the same campus.

61 **Section 2. Subsections (6), (8), (9), (13), and (18) of**  
62 **section 154.209, Florida Statutes, are amended, and subsections**  
63 **(20) and (21) are added to that section, to read:**

64 154.209 Powers of authority.—The purpose of the authority  
65 shall be to assist health facilities in the acquisition,  
66 construction, financing, and refinancing of projects in any  
67 incorporated or unincorporated area within the geographical  
68 limits of the local agency. For this purpose, the authority is  
69 authorized and empowered:

70 (6) To make and execute agreements of lease, contracts,  
71 loan agreements, deeds, mortgages, notes, and other instruments  
72 necessary or convenient in the exercise of its powers and  
73 functions under this part.

74 (8) To pledge or assign any money, rents, loan payments,  
75 charges, fees, or other revenues and any proceeds derived from

76 sales of property, insurance, or condemnation awards.

77 (9) To fix, charge, and collect rents, loan payments,  
78 fees, and charges for the use of any project.

79 (13) To acquire existing projects and to refund  
80 outstanding bonds, obligations, mortgages, or advances issued,  
81 made, or given by or on behalf of a health facility for the cost  
82 of such project.

83 (18) To participate in and issue bonds and other forms of  
84 indebtedness for the purpose of establishing and maintaining an  
85 accounts receivable program on behalf of a health facility or  
86 group of health facilities. Notwithstanding any other provisions  
87 of this part, the structuring and financing of an accounts  
88 receivable program pursuant to this subsection shall constitute  
89 a project and may be structured for the benefit of health  
90 facilities within or outside the geographical limits of the  
91 local agency. An accounts receivable program may include the  
92 financing of accounts receivable acquired by a health facility  
93 from other not-for-profit health care organizations  
94 ~~corporations,~~ whether or not controlled by or affiliated with  
95 the health facility and regardless of location within or outside  
96 the geographical limits of this state.

97 (20) To make mortgage or other secured or unsecured loans  
98 to or for the benefit of a health facility for the cost of a  
99 project in accordance with an agreement between the authority  
100 and the health facility, provided that such loans may be made to

101 any entity affiliated with a health facility that undertakes  
102 such financing if the proceeds of such loan are made available  
103 to or applied for the benefit of such health facility.

104 (21) To make mortgage or other secured or unsecured loans  
105 to or for the benefit of a health facility in accordance with an  
106 agreement between the authority and the health facility to  
107 refund or refinance outstanding bonds, obligations, loans,  
108 indebtedness, or advances issued, made, given or incurred by or  
109 for the benefit of such health facility for the cost of a  
110 project, provided that such loans may be made to any entity  
111 affiliated with a health facility that undertakes such refunding  
112 or refinancing if the proceeds of such loan are made available  
113 to or applied for the benefit of such health facility.

114 **Section 3. Section 154.213, Florida Statutes, is amended**  
115 **to read:**

116 154.213 Agreements of lease or loan agreements.—In  
117 undertaking any project pursuant to this part, the authority  
118 shall first obtain a valid certificate of need evidencing need  
119 for the project and a statement that the project serves a public  
120 purpose by advancing the commerce, welfare, and prosperity of  
121 the local agency and its people. A ~~No~~ project financed under ~~the~~  
122 ~~provisions of this part~~ may not ~~shall~~ be operated by the  
123 authority or any other governmental agency; however, the  
124 authority may temporarily operate or cause to be operated all or  
125 any part of a project to protect its interest therein pending

any leasing of such project in accordance with ~~the provisions of~~  
this part. The authority may lease a project or projects to a  
health facility for operation and maintenance in such manner as  
to effectuate the purposes of this part under an agreement of  
lease or loan agreement in form and substance not inconsistent  
herewith. Projects financed by the authority with the proceeds  
of bonds issued for the benefit of a health facility pursuant to  
s. 154.209(20) and (21) shall be governed by one or more loan  
agreements made between the authority and a health facility, or  
between the authority and an entity affiliated with a health  
facility that undertakes such financing, if the proceeds of such  
loan are made available to or applied for the benefit of such  
health facility.

(1) Any such agreement of lease or loan agreement may  
provide, among other provisions, that:

(a) The lessee under a lease or the obligor under a loan  
agreement shall at its own expense operate, repair, and maintain  
the project or projects financed or refinanced ~~leased~~  
thereunder.

(b) The rent payable under the agreement of lease or the  
loan payments made pursuant to the loan agreement shall in the  
aggregate be not less than an amount sufficient to pay all of  
the interest, principal, and redemption premiums, if any, on the  
bonds that shall be issued by the authority to pay the cost of  
the project or projects financed or refinanced ~~leased~~

thereunder.

(c) The lessee under the agreement of lease or the obligor under the loan agreement shall pay all costs incurred by the authority in connection with the acquisition, financing, construction, and administration of the project or projects financed or refinanced ~~leased~~, except as may be paid out of the proceeds of bonds or otherwise, including, but not ~~without being~~ limited to, all of the following:

1. Insurance costs ~~.~~

2. The cost of administering the bond resolution authorizing such bonds and any trust agreement securing the bonds ~~.~~ ~~and~~

3. The fees and expenses of trustees, paying agents, attorneys, consultants, and others.

(d) The terms of the agreement of lease or loan agreement shall terminate not earlier than the date on which all such bonds and all other obligations incurred by the authority in connection with the project or projects financed or refinanced ~~leased~~ thereunder shall be paid in full, including interest, principal, and redemption premiums, if any, or adequate funds for such payment shall be deposited in trust.

(e) The lessee's obligation to pay rent under the agreement of lease and the obligor's obligation to make loan payments under a loan agreement ~~may shall~~ not be subject to cancellation, termination, or abatement by the lessee under the

176 agreement of lease or the obligor under the loan agreement until  
177 such payment of the bonds or provision for such payment shall be  
178 made.

179 (2) Such agreement of lease or loan agreement may contain  
180 such additional provisions as in the determination of the  
181 authority are necessary or convenient to effectuate the purposes  
182 of this part, including provisions for extensions of the term  
183 and renewals of the agreement of lease or loan agreement and  
184 vesting in the lessee under the agreement of lease or the  
185 obligor under the loan agreement an option to purchase the  
186 project leased or loaned thereunder pursuant to such terms and  
187 conditions consistent with this part as shall be prescribed in  
188 the lease. Except as may otherwise be expressly stated in the  
189 agreement of lease or loan agreement, to provide for any  
190 contingencies involving the damaging, destruction, or  
191 condemnation of the project financed or refinanced ~~leased~~ or any  
192 substantial portion thereof, such option to purchase may not be  
193 exercised unless all bonds issued for such project, including  
194 all principal, interest, and redemption premiums, if any, and  
195 all other obligations incurred by the authority in connection  
196 with such project, shall have been paid in full or sufficient  
197 funds shall have been deposited in trust for such payment. The  
198 purchase price of such project may ~~shall~~ not be less than an  
199 amount sufficient to pay in full all of the bonds, including all  
200 principal, interest, and redemption premiums, if any, issued for



the project then outstanding and all other obligations incurred by the authority in connection with such project.

**Section 4. Section 154.225, Florida Statutes, is amended to read:**

154.225 Revenues.—

(1) The authority is hereby authorized to fix and to collect fees, rents, loan payments, and charges for the use of any project or projects and any part or section thereof. The authority may require that the health facility operating any project or any part thereof financed or refinanced pursuant to this chapter, or the lessee of any project or part thereof shall operate, repair, and maintain the project and bear the cost thereof and other costs of the authority in connection with the project or projects financed or refinanced ~~leased~~ as may be provided in the agreement of lease, loan agreement, or other contract with the authority, in addition to other obligations imposed under such agreement or contract.

(2) The fees, rents, loan payments, and charges shall be so fixed as to provide a fund sufficient to pay the principal of, and the interest on, such bonds as the same shall become due and payable and to create reserves, if any, deemed by the authority to be necessary for such purposes. The fees, rents, loan payments, charges, and all other revenues and proceeds derived from the project or projects in connection with which the bonds of any issue shall have been issued, except such part

thereof as may be necessary for such reserves or any expenditures as may be provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be set aside at such regular intervals as may be specified in such resolution or such trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made. The fees, rents, loan payments, charges, and other revenues and moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether such parties have notice thereof. The use and disposition of money to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in the resolution or the trust agreement, the sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

**Section 5. Subsection (1) of section 154.235, Florida**

**Statutes, is amended to read:**

154.235 Refunding bonds.—

(1) The authority is hereby authorized to provide for the issuance of revenue bonds for the purpose of refunding any of its revenue bonds then outstanding and revenue bonds of other issuers, the proceeds of which were used to finance or refinance projects of one or more health facilities, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase, or maturity of such revenue bonds.

**Section 6. Paragraph (b) of subsection (4) of section 154.219, Florida Statutes, is amended to read:**

154.219 Revenue bonds.—

(4) Any resolution or resolutions authorizing any revenue bonds or any issue of revenue bonds may contain provisions which shall be a part of the contract with the holders of the revenue bonds to be authorized, as to:

(b) The rentals, fees, loan payments, and other charges to be charged, the amounts to be raised in each year thereby, and the use and disposition of the revenues.

**Section 7. Section 154.221, Florida Statutes, is amended to read:**

154.221 Security of bondholders.—In the discretion of the authority, any bonds issued under ~~the provisions of~~ this part may be secured by a trust agreement by and between the authority

276 and a corporate trustee, which may be any trust company or bank  
277 having the powers of a trust company within or without the  
278 state. Such trust agreement or resolution providing for the  
279 issuance of such bonds may pledge or assign the fees, rents,  
280 loan payments, charges, or proceeds from the sale of any project  
281 or part thereof, insurance proceeds, condemnation awards, and  
282 other funds and revenues to be received therefor, and may  
283 provide for the mortgaging of any project or any part thereof as  
284 security for repayment of the bonds. Such trust agreement or  
285 resolution providing for the issuance of such bonds shall  
286 contain such provisions for protecting and enforcing the rights  
287 and remedies of the bondholders as may be reasonable and proper  
288 and ~~not~~ in accordance with general ~~violation of~~ law, including  
289 covenants setting forth the duties of the authority in relation  
290 to the acquisition of property and the construction,  
291 improvement, maintenance, repair, operation, and insurance of  
292 the project or projects in connection with which such bonds  
293 shall have been authorized; the fees, rents, loan payments, and  
294 other charges to be fixed and collected; the sale of any  
295 project, or part thereof, or other property; the terms and  
296 conditions for the issuance of additional bonds; and the  
297 custody, safeguarding, and application of all moneys. It shall  
298 be lawful for any bank or trust company incorporated under the  
299 laws of the state which may act as depository of the proceeds of  
300 bonds, revenues, or other money hereunder to furnish such

indemnifying bonds or to pledge such securities as may be required by the authority. Any such trust agreement or resolution shall set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the project or projects in connection with which bonds are issued or as an expense of administration of such projects, as the case may be.

**Section 8. Section 154.229, Florida Statutes, is amended to read:**

154.229 Remedies.—Any holder of bonds issued under ~~the provisions of~~ this part or of any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by such trust agreement or the resolution authorizing the issuance of such bonds, may, either at law or in equity, by suit, action, mandamus, or other proceeding, protect and enforce any and all rights under the laws of this state or granted hereunder or under such trust agreement or resolution authorizing the issuance of such bonds, or under any agreement of lease, loan agreement, or other contract executed by the authority pursuant

to this part, and may enforce and compel the performance of all duties required by this part or by such trust agreement or resolution to be performed by any lessee or the authority or by any officer thereof, including the fixing, charging, and collecting of fees, rents, loan payments, and charges.

**Section 9. Section 154.247, Florida Statutes, is amended to read:**

154.247 Financing of projects located outside of local agency.—Notwithstanding any provision of this part to the contrary, an authority may, if it finds that there will be a benefit or a cost savings to a health facility located within its jurisdiction, issue bonds for such health facility to finance projects for such health facility, ~~or for another not-for-profit corporation under common control with such health facility,~~ located outside the geographical limits of the local agency or outside this state.

**Section 10. For the purpose of incorporating the amendment made by this act to section 154.205, Florida Statutes, in a reference thereto, subsection (16) of section 159.27, Florida Statutes, is reenacted to read:**

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(16) "Health care facility" means property operated in the private sector, whether operated for profit or not, used for or

useful in connection with the diagnosis, treatment, therapy, rehabilitation, housing, or care of or for aged, sick, ill, injured, infirm, impaired, disabled, or handicapped persons, without discrimination among such persons due to race, religion, or national origin; or for the prevention, detection, and control of disease, including, without limitation thereto, hospital, clinic, emergency, outpatient, and intermediate care, including, but not limited to, facilities for the elderly such as assisted living facilities, facilities defined in s. 154.205(8), day care and share-a-home facilities, nursing homes, and the following related property when used for or in connection with the foregoing: laboratory; research; pharmacy; laundry; health personnel training and lodging; patient, guest, and health personnel food service facilities; and offices and office buildings for persons engaged in health care professions or services; provided, if required by ss. 400.601-400.611 and ss. 408.031-408.045, a certificate of need therefor is obtained prior to the issuance of the bonds.

**Section 11. For the purpose of incorporating the amendment made by this act to section 154.205, Florida Statutes, in a reference thereto, paragraph (d) of subsection (1) of section 215.681, Florida Statutes, is reenacted to read:**

215.681 ESG bonds; prohibitions.—

(1) As used in this section, the term:

(d) "Issuer" means the division, acting on behalf of any

entity; any local government, educational entity, or entity of higher education as defined in s. 215.89(2)(c), (d), and (e), respectively, or other political subdivision granted the power to issue bonds; or any public body corporate and politic authorized or created by general or special law and granted the power to issue bonds, including, but not limited to, a water and sewer district created under chapter 153, a health facilities authority as defined in s. 154.205, an industrial development authority created under chapter 159, a housing financing authority as defined in s. 159.603(3), a research and development authority as defined in s. 159.702(1)(c), a legal or administrative entity created by interlocal agreement pursuant to s. 163.01(7), a community redevelopment agency as defined in s. 163.340(1), a regional transportation authority created under chapter 163, a community development district as defined in s. 190.003, an educational facilities authority as defined in s. 243.52(1), the Higher Educational Facilities Financing Authority created under s. 243.53, the Florida Development Finance Corporation created under s. 288.9604, a port district or port authority as defined in s. 315.02(1) and (2), respectively, the South Florida Regional Transportation Authority created under s. 343.53, the Central Florida Regional Transportation Authority created under s. 343.63, the Greater Miami Expressway Agency created under s. 348.0304, the Tampa-Hillsborough County Expressway Authority created under s. 348.52, the Central



401 Florida Expressway Authority created under s. 348.753, the  
402 Jacksonville Transportation Authority created under s. 349.03,  
403 and the Florida Housing Finance Corporation created under s.  
404 420.504.

405       **Section 12.** This act shall take effect July 1, 2025.